As to Claim 21, the Examiner states that Welzen shows a hole (32) allowing the pass(age) of water and that the number of holes used is seen as a matter of expediency.

G. Allowable Subject Matter

The Examiner would allow claims 22-27 if they were rewritten or amended to overcome the rejections under 35 USC 112, 2nd paragraph as set forth in this Office Action.

H. Examiner's Conclusions

The Examiner has considered Applicant's previous arguments but considers them moot in view of the new grounds of rejection.

The Examiner claims that Applicant's amendment necessitated the new grounds of rejection presented in this Office Action.

AMENDMENTS

This listing of claims will replace all prior versions and listings of claims in the application.

Kindly cancel original Claims 1-13.

Claims 14-17 have been cancelled per Applicant's amendment.

Claims 1-13 have been renumbered and amended to become Claims 18-30 as follows:

18. (Renumbered from original Claim 1) An adjustable stand assembly to mount a tree to stand upright in a vertical orientation, comprising:

a stand assembly, said stand assembly having a pot, said pot being firmly attached to the base of a tree trunk;

a cover, said cover having a central opening defined therein, said central opening being adapted to receive said pot;

a bowl, said bowl having a downward curving convex bottom surface, said downward curving convex bottom surface having said cover attached thereon, said bowl additionally having a means of retaining said pot; and

a base, said base having a downward curving concave top surface defined therein, said downward curving convex surface of said bowl mating with said downward curving concave top surface of said base, said base having a return lip, said return lip being located at an outer edge of said base facilitating moving said stand assembly with the tree mounted therein, thereby.

19. (Renumbered from original Claim 2) The stand assembly of ~~claim 1~~ claim 18, wherein:

said pot having at least two guide holes defined therein, said two guide holes being located towards an upper rim of said pot, said two guide holes being positionally opposed to each other, said pot being adapted to attach to the tree by means of a plurality of holding devices, said plurality of holding devices equaling said guide holes defined in said pot, said plurality of holding devices being selected from the group consisting of nails, screws, tapered bolts, pointed or unpointed metal rods; and

said plurality of holding devices being guided by said two guide holes, into the tree, said guide holes being horizontally aligned.

20. (Renumbered from original Claim 3) The stand assembly of ~~claim 2~~ claim 19, wherein:

said pot is circular in cross section, thereby making it possible to rotate the tree to show off best branches or to rotate the tree in setting up lights or ornaments and the removal of the tree at season's end.

21. (Renumbered from original Claim 4) The stand assembly of ~~claim 3~~ claim 20 wherein:

said pot having a plurality of holes defined therein, said plurality of holes being biased towards a bottom of said pot, whereby said plurality of holes allow water to enter said pot and drain said pot of water when the tree is lifted out of said stand assembly.

22. (Renumbered from original Claim 5) The stand assembly of ~~claim 1~~ claim 18, wherein:

said cover has a sloping upper surface, said sloping upper surface terminating into a down and outward slanted lip, thereby making it easier to install said cover snugly over said bowl; and

said cover is adapted to enclose said bowl.

23. (Renumbered from original Claim 6) The stand assembly of ~~claim 5~~ claim 22, wherein:

said cover having a central opening defined therein, said central opening being circular in shape, said cover further having a downward circular sloping surface to accommodate said pot, said pot having sloping sidewalls, said sloping sidewalls having a decreasing circular cross section towards said base of said pot;

said circular sloping surface of said central opening of said cover guides said pot when said pot is placed into said stand assembly;

said lower flange of said central opening of said cover is adapted to hold said pot firmly and accepts side loads from said pot shaped member when the tree is tipped.

24. (Renumbered from original Claim 7) The stand assembly of ~~claim 6~~ claim 23, wherein:

said cover has a circular shape aiding in manufacture of said cover, said circular central opening in said cover is adapted to allow said pot to rotate therein.

25. (Renumbered from original Claim 8) The stand assembly of ~~claim 1~~ claim 18, wherein:

said bowl is circular in shape, said bowl has an outer extended downward slope of a rim, said outer extended downward slope of a rim of said bowl matches a down and outward slanted lip, said down and outward slanted lip being located on said cover.

26. (Renumbered from original Claim 9) The stand assembly of ~~claim 1~~ claim 18, wherein:

said bowl has a central ring, said central ring has a raised portion, said raised portion of said central ring is adapted to receive an outer base of said pot, guiding said outer base of said

pot by an inward slanting ramp, securely holding said pot therein.

27. (Renumbered from original Claim 10) The stand assembly of ~~claim 1~~ claim 18, wherein:

said downward curving convex bottom surface of said bowl is spherical in shape and rests upon a corresponding concave spherical surface of said base, whereby the spherical radius center of the bowl is set at the approximate center of gravity of a nine foot tall tree.

28. (Renumbered from original Claim 11) The stand assembly of ~~claim 1~~ claim 18, wherein:

said downward concave top surface of said base is spherical in shape with the spherical radius smaller than the radius of said bowl, allowing said outer rim of said downward concave top surface of said bowl to contact said downward concave top surface of said base first, whereby a stabilizing said stand assembly, preventing said bowl from rocking on said base; and

said downward concave top surface of said base extends out and beyond said downward concave top surface of said bowl.

29. (Renumbered from original Claim 12) The stand assembly of ~~claim 1~~ claim 18, wherein:

said base has a downwardly and outwardly sloping outer rim, said downwardly and outwardly sloping outer rim has a return lip, whereby said return lip allows said base with said bowl, said pot, and the tree to slide along a floor repositioning the tree and capturing any spilled water with said return lip.

30. (Renumbered from original Claim 13) The stand assembly of ~~claim 1~~ claim 18, wherein:

said pot, said cover, said bowl, and said base all have sufficient draft to allow each component to be stacked atop itself, whereby there is reducing shipping volume and reduced costs of shipping, storage and floor space.

In the Specification:

On page 9, after first full paragraph, please add the following paragraph:

The base (60) has a downward and outwardly sloping outer wall (116) or sloping outer wall, where the sloping outer wall (116) provides support for the base (60). The outer return lip (64) further has an upward turned flange (110). The upward turned flange (110) is distally positioned from the sloping outer wall (116) of the base (60) creating a trough (114) therebetween. The trough (114) entraps liquid spilled from the bowl (50).

It should be noted that these items 110, 114 and 116 have been revealed in Figure 4 of the drawings and, therefore, are not new matter.

In the Drawings:

Revise Figure four (4) by adding numbers 110, 114, 116 to the plate (added to flange on Right side of drawing). Change numeral 32 to 52 on right side of figure four (4).

In the Claims:

Claims 18-21 are cancelled

The following Claims are currently amended, with a new Claim 31 to replace canceled claim 22.

31. (New) An adjustable stand assembly, said adjustable stand assembly adapted to mount a workpiece, such as a tree, to stand upright in a vertical orientation, comprising:

a. a stand assembly, said stand assembly having a pot, said pot being firmly attached to the base of a tree trunk;

b. a cover, said cover having a central opening defined therein, said central opening being adapted to receive said pot; said cover has a sloping upper surface, said sloping upper surface terminating into a down and outward slanted lip, thereby making it easier to install said cover snugly over a bowl;

c. said pot is circular in cross section and has at least two guide holes defined therein,

said guide holes being located towards an upper rim of said pot, said guide holes being positionally opposed to each other, said pot being adapted to attach to the tree by means of a plurality of holding devices, said plurality of holding devices equaling said guide holes defined in said pot, said plurality of holding devices being selected from the group consisting of nails, screws, tapered bolts, pointed or unpointed metal rods;

d. said plurality of holding devices being guided by said guide holes, into the tree, said guide holes being horizontally aligned.;

e. said pot further having a plurality of holes defined therein, said plurality of holes being biased towards a bottom of said pot, whereby said plurality of holes allow water to enter said pot and drain said pot of water when the tree is lifted out of said stand assembly;

f. said bowl having a downward curving convex bottom surface, said downward curving convex bottom surface having said cover attached thereon, said bowl additionally having a means of retaining said pot, said bowl further having a downward outer sloping rim, said downward outer sloping rim having adapted to have a snug fit with said down and outward slanted lip of said cover;

g. a base, said base having a downward curving concave top surface defined therein, said downward curving convex surface of said bowl mating with said downward curving concave top surface of said base, said base having a return lip, said return lip being located at an outer edge of said base facilitating moving said stand assembly with the tree mounted therein, thereby; and

h. said cover is adapted to enclose said bowl.

23. (Previously presented above) The stand assembly of claim ~~22~~ 31, wherein:

said cover having a central opening defined therein, said central opening being circular in shape, said cover further having a downward circular sloping surface to accommodate said

pot, said pot having sloping sidewalls, said sloping sidewalls having a decreasing circular cross section towards said base of said pot;

said circular sloping surface of said central opening of said cover guides said pot when said pot is placed into said stand assembly;

said lower flange of said central opening of said cover is adapted to hold said pot firmly and accepts side loads from said pot shaped member when the tree is tipped.

24. (Previously presented above) The stand assembly of claim 23, wherein:

said cover has a circular shape aiding in manufacture of said cover, said circular central opening in said cover is adapted to allow said pot to rotate therein.

25. (Currently amended from above) The stand assembly of ~~claim 18~~ claim 31, wherein:

said bowl is circular in shape, said bowl has an outer extended downward slope of a rim, said outer extended downward slope of a rim of said bowl matches ~~a~~ said down and outward slanted lip, said down and outward slanted lip being located on said cover.

26. (Currently amended from above) The stand assembly of ~~claim 18~~ claim 31, wherein:

said bowl has a central ring, said central ring has a raised portion, said raised portion of said central ring is adapted to receive an outer base of said pot, guiding said outer base of said pot by an inward slanting ramp, securely holding said pot therein.

27. (Currently amended from above) The stand assembly of ~~claim 18~~ claim 31 wherein:

said downward curving convex bottom surface of said bowl is spherical in shape and rests upon a corresponding concave spherical surface of said base, whereby the spherical radius center of the bowl is set at the approximate center of gravity of a nine foot tall tree.

28. (Currently amended from above) The stand assembly of ~~claim 18~~ claim 31, wherein:

said downward concave top surface of said base is spherical in shape with the spherical radius smaller than the radius of said bowl, allowing said outer rim of said downward